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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 DONALD SEARS,)
11 Plaintiff,) Case No. C04-2511-RSM-JPD
12 v.)
13 UNITED STATES OF AMERICA, et al.,) ORDER DENYING DEFENDANTS'
14 Defendants.) MOTION TO EXTEND THE
15) DISCOVERY PERIOD TO FILE
16) MOTION TO COMPEL
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17 This matter comes before the Court upon the defendants' motion to extend the
18 discovery deadline in this case in order to file a motion to compel. Dkt. No. 16. Defendants
19 argue that the discovery period should be extended for the limited purpose of permitting them
20 to file a motion to compel plaintiff to produce certain discovery that was requested before the
21 close of the discovery period. Plaintiff does not oppose the motion; he requests additional
22 time to conduct discovery as well. Dkt. No. 18. Defendants' reply argues that a mutual
23 extension of time is unwarranted. Dkt. No. 22. Having carefully reviewed the parties' papers
24 and the available record, the Court ORDERS as follows:
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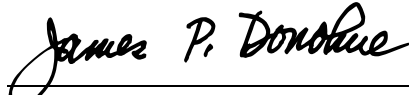
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02 (1) Defendants' motion for an extension of time to file a motion to compel (Dkt.
03 No. 16) is DENIED. To the extent plaintiff is seeking an extension of time (Dkt. No. 18), his
04 motion is also DENIED. Federal Rule of Civil Procedure 6(b)(2) provides that "the court
05 for cause shown may at any time its discretion . . . or (2) upon motion made after the
06 expiration of the specified period permit the act to be done where the failure to act was the
07 result of excusable neglect[.]"

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09 The parties have failed to demonstrate that an extension of time is warranted in this
10 case. On May 26, 2005, the Court granted the parties' first stipulated motion for extension of
11 time and extended the discovery period until April 3, 2006. Dkt. No. 9. On April 18, 2006,
12 the Court granted the parties' second motion for extension of time, which further extended
13 the discovery deadline to June 16, 2006. Dkt. No. 13. Hence, the parties have had over a
14 year to conduct discovery.

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16 Moreover, defendants' motion was inexplicably filed more than a month after the
17 close of the discovery period and provides no showing of cause as to why it should be
18 granted. Dkt. No. 16. Similarly, plaintiff's response/motion was filed well after the close of
19 the discovery period. Dkt. No. 18. The mere fact that plaintiff's incarceration may have
20 complicated discovery logistics is insufficient to justify an extension of time, particularly in
21 light of the length of time provided by the Court. The parties' motions are denied. The
22 parties are reminded that the dispositive motion deadline is August 18, 2006.
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01 (2) The Clerk is directed to send a copy of this order to the parties and to the
02 Honorable Ricardo S. Martinez.

03 DATED this 31st day of July, 2006.

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05 JAMES P. DONOHUE
06 United States Magistrate Judge
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